

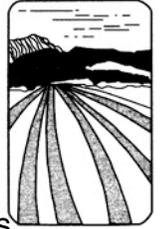


Oregon

Theodore R. Kulongoski, Governor

Department of Agriculture

635 Capitol Street NE
Salem, OR 97301-2532



TO: Specialty Seed Crop Growers, Seed Conditioners, and Feed Formulators

FROM: Oregon Department of Agriculture – Pesticides & Commodity Inspection Divisions

RE: Pesticide restrictions on specialty seed crops and associated by-products

DATE: April 2009

The information provided in the enclosed fact sheet and brochure is to ensure that you, as a grower of a specialty seed crop, a conditioner of specialty seed crop seeds or a person who formulates animal feed, are aware of your responsibilities when certain pesticide products are applied in the production of a seed crop. Use of certain pesticide products will affect what you may, or may not, do with the seed, screenings, green chop, forage, hay, straw, foliage, pellets, roots, bulbs, or any plant part of the crop including grazing.

Many pesticide products used on specialty seed crops are labeled through the Special Local Need (SLN) process. Without this process, these pesticide products would not be available for the numerous specialty seed crops grown in Oregon. Pesticide tolerances must be established, or an exemption determined, to allow use of crops and/or crop by-products for food or feed purposes. In most cases, the SLNs for specialty seed crops do NOT have these tolerances, or exemptions, in place.

With the registration of a SLN use for a specific seed crop comes certain restrictions. Many of the SLNs available for use on specialty seed crops in Oregon do not have a pesticide residue tolerance established for food or feed uses. The only way to obtain a SLN for such use is to have significant restrictions and limitations placed on the SLN label which say how the crop is to be used, including all plant parts (straw, screenings, etc) and restrictions on grazing.

This information is provided for your information to prevent pesticide related violations. ODA's goal is to ensure that you are aware of the laws that you are expected to know. ODA is working diligently to make sure that crop protection products for specialty crops continue to be available to Oregon's growers and our food/feed products have all the protections necessary.

Please feel free to contact ODA if you have questions regarding these requirements.

ODA Pesticides Division 503-986-4635
ODA Commodities Division 503-986-4620
ODA email: pestx@oda.state.or.us

Oregon Special Local Need 24(C) product labels are available online:
<http://www.pnn.wsu.edu/pnnor.html>

Oregon Department of Agriculture
REQUIREMENTS FOR SPECIALTY SEED CROPS AND BY-PRODUCTS
FACT SHEET

If you grow a specialty seed crop (other than grass grown-for-seed), you need to know your responsibilities if you use pesticides that are labeled through the Special Local Need (SLN) registration process, also known as a 24(C). Most SLN pesticides for specialty seed crops do not have established pesticide residue tolerances that are required of other food/feed crops. Therefore, you need to inform your seed conditioner which pesticides were applied to your crop under a SLN label. It is your responsibility to ensure no portion of a treated seed crop is used or distributed for human food or animal feed.

GROWERS MUST...

- **Know which pesticides you apply have an established tolerance, or not.**
 - The SLN label will have specific label language (example on the back of this page) if there is NO pesticide residue tolerance established. If you use one of these SLNs, you must tell your seed conditioner specific information.
- **Give your seed conditioner a list of each pesticide applied to your seed crop that does not have an established pesticide residue tolerance.**
 - This list of pesticides must identify the pesticides applied and the date of each application.
- **Do not graze animals** for a minimum of one year on fields treated with pesticides that do not have an established tolerance.

SEED CONDITIONERS MUST:

- **Keep the records provided by growers** identifying each pesticide applied to the seed crop that does not have an established pesticide residue tolerance. Keep records for three years. If a grower does not give a conditioner a list of the pesticides applied, the seed conditioner must handle the seed, and by-products, as though the crop was treated with a pesticide without a tolerance. In such situations, the seed must be labeled as stated below and disposal records must be kept of screenings.
- **Keep records of seed screening disposals** for at least three years from the date of disposal. Screenings from a crop that was treated with a pesticide without a tolerance cannot be used in any animal feed product.
- **Provide grower application information and disposal records** to the Oregon Department of Agriculture (ODA) upon request.
- **Tag each bag or tote of seed** from a crop grown with a pesticide that does not have an established tolerance. The seed tag must say:

“This seed was produced using one or more products for which the United States Environmental Protection Agency has not established pesticide residue tolerances. This seed, in whole, as sprouts, or in any form, may not be used for human consumption or animal feed. Failure to comply with this condition may violate the requirements of the Federal Food and Drug Administration, the Oregon Department of Agriculture, and other regulatory agencies.”

FEED FORMULATORS:

- Make sure all screenings or other plant parts used in feed production were treated in production with pesticide products that have EPA established residue tolerances. Ask your supplier for verification before formulating feed for animals.

These restrictions apply to Special Local Need registrations for the following seed crops:

Alfalfa	Clover	Mizuna
Alliums (except garlic)	Collards	Mustard (including Chinese)
Arugula	Cucumber	Parsley
Beet (garden and sugar)	Dill	Parsnip
Birdsfoot trefoil	Drug & medicinal crops	Radish (except daikon)
Broccoli (including Chinese)	Endive	Rapeseed (industrial oil only)
Brussels Sprouts	Escarole	Rutabaga
Burdock	Herbs (culinary)	Spinach
Cabbage (including Chinese)	Herbs (dietary supplement)	Squash, summer
Carrot	Kale (including Chinese)	Squash, winter (except Pumpkin)
Cauliflower	Kohlrabi	Swiss chard
Celery	Lettuce	Turnip
Cilantro/coriander	Meadowfoam	Vetch

Details of these requirements are contained in OAR 603-057-0535, and are available at http://arcweb.sos.state.or.us/rules/OARS_600/OAR_603/603_057.html You may also contact the ODA - Pesticides Division at 503-986-4635.

Failure to comply with these requirements can jeopardize the continued availability of pesticide products for use on these seed crops. Growers, applicators, and conditioners need to communicate with each other, as they share responsibilities to keep illegal residues out of food and feed.

For many 24C labels for seed crops, the pesticide label statements include the following:

“The pesticide applicator, the producer of the crop, and the seed conditioner must be aware that use of this product according to this labeling is deemed a non-feed/non-food use by the Oregon Department Agriculture, and is regulated by Oregon Administrative Rule (OAR) 603-057-0535, Pesticide Use On Crops Grown For Seed. If the applicator of this pesticide is not the producer, the applicator must provide a copy of this labeling to the producer of the crop. Producers of this crop who use this product, or cause the product to be used on a field they operate, must provide a copy of this pesticide label to the Seed Conditioner. **This pesticide does not have an established pesticide residue tolerance for this crop. Consequently, no portion of this seed crop may be used or distributed for food or feed for one year (365 days) after the last application of this product.** This restriction pertains to, but is not limited to, green chop, forage, hay, pellets, meal, whole seed, cracked seed, straw, roots, bulbs, foliage, or seed screenings, and to the grazing of the crop field, stubble or re-growth. All seed screenings shall be disposed of in such a manner that the screenings cannot be distributed or used for food or feed purposes, as indicated in OAR 603-057-0535. Additional regulations concerning seed screenings are stated in OAR 603-057-0535. Any seed from a field treated with this pesticide product shall bear specific and conspicuous container labeling, or if shipped in bulk, on the shipment invoice or bill of lading. The labeling shall contain the following statement:

“This seed was produced using one or more products for which the United States Environmental Protection Agency has not established pesticide residue tolerances. This seed, in whole, as sprouts, or in any form, may not be used for human consumption or animal feed. Failure to comply with this condition may violate the requirements of the Federal Food and Drug Administration, the Oregon Department of Agriculture, and other regulatory agencies.”

GROWERS

- ♦ Read the SLN label to see if there are feeding or grazing restrictions.
- ♦ No grazing or haying is allowed for 365 days after an application of a SLN that has a grazing or feeding restriction.
- ♦ Provide a copy of the SLN label and a record of each pesticide applied that has a grazing or feeding restriction to your seed conditioner.
- ♦ The record must identify the pesticide applied and the date of each application.

SEED CONDITIONERS

Ask grower if crop was treated with a pesticide with feeding restrictions (no tolerance). If so:

- ♦ Keep grower records of each pesticide applied to the seed crop.
- ♦ Dispose of seed screenings.
- ♦ Keep records of seed screening disposals for at least three years from the date of disposal.
- ♦ Provide records to ODA upon request.
- ♦ Tag seed with the following statement:

If you do not know the pesticides used on a seed crop, you must handle the seed and screenings as if the crop was treated with a pesticide having no tolerance.

FEED FORMULATORS

Confirm that seed screenings came only from fields treated only with pesticides that have an established tolerance.

SLN REGISTRATIONS

The Oregon Department of Agriculture grants Special Local Need (SLN) pesticide registrations for specialty crops grown for seed. Most SLNs granted for seed crops lack an established pesticide tolerance (allowable residue for food or feed) and must be declared a non-food/non-feed crop. These SLN labels have feeding or grazing restrictions. Continued access to these SLNs depends on growers and conditioners honoring the instructions on the SLN label, including the requirements outlined in this brochure.

RESOURCES

ODA Web site: <http://oregon.gov/ODA/PEST>

"This seed was produced using one or more products for which the United States Environmental Protection Agency has not established pesticide residue tolerances.

This seed, in whole, as sprouts, or in any form, may not be used for human consumption or animal feed. Failure to comply with this condition may violate the requirements of the Federal Food and Drug Administration, the Oregon Department of Agriculture, and other regulatory agencies."

In compliance with the Americans with Disabilities Act, this publication will be made available in alternate formats upon request.

03/2009



Oregon
Department
of Agriculture

OREGON
PESTICIDE
COMPLIANCE

Seed Crops^{*}

Special Requirements for Seed Crops and By-products

***This rule does not apply to grass and certain other crops grown for seed.**



CROPS GROWN FOR SEED

The flow chart to the right shows the proper handling of crops where:

- ✓ the crop is intended to be grown only for seed to be planted and
- ✓ the crop is treated with a Special Local Need (SLN) pesticide lacking an established tolerance.

PROTECT FOOD CHAIN

Applicators, growers, and seed conditioners must make sure that treated crops and by-products do not enter the food/feed chain. Prohibited by-products include green chop, forage, hay, pellets, meal, whole seed, straw, roots, bulbs, foliage, and seed screenings. Grazing the crop, stubble, or regrowth is also restricted. Seed must be handled separately from untreated seed during processing and must be clearly marked so as not to be sold for edible sprouts or as a food or feed.

AFFECTED CROPS

Alfalfa, alliums (except garlic), arugula, beet (garden and sugar), birdsfoot trefoil, broccoli (including Chinese), Brussels sprouts, burdock, cabbage (including Chinese), carrot, cauliflower, celery, cilantro/coriander, clover, collards, cucumber, dill, drug & medicinal crops, endive, escarole, herbs (culinary), herbs (dietary supplement), kale (including Chinese), kohlrabi, lettuce, meadowfoam, mizuna, mustard (including Chinese), parsley, parsnip, radish (except daikon), rapeseed (industrial oil only), rutabaga, spinach, squash, summer, winter (except pumpkin), swiss chard, turnip, vetch.

Applicator uses SLN pesticide to grow seed crop. Label has feeding restrictions.



No grazing or cutting for hay until 365 days after application.



Grower reads label and is aware of feeding or grazing restrictions.



Custom applicator tells grower about feeding restrictions and shares label.



Screenings, straw, hay or other by-products are not fed to livestock or humans.



Grower tells seed conditioner of SLN label restrictions and provides application records.



Seed conditioner handles SLN seed separately and in accordance with the label.



Seed is appropriately labeled (see reverse) and not allowed to be used as food or feed.

Screenings are composted or disposed of, never pelletized or fed to livestock. Conditioner keeps required records.